



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,019	12/27/2001	Chen Wei	2470-PAT	7837

30084 7590 02/14/2003
DONN K. HARMS
PATENT & TRADEMARK LAW CENTER
SUITE 100
12702 VIA CORTINA
DEL MAR, CA 92014

EXAMINER

SHAKERI, HADI

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/033,019	WEI, CHEN	
	Examiner	Art Unit	
	Hadi Shakeri	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 12/27/01 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. US Patent 3,649,106 is not issued to Chen.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show substantially circular path (51) and (52) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.
The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
4. The abstract of the disclosure is objected to because undue length. Correction is required. See MPEP § 608.01(b). Applicant may wish to replace "automatic" with, --self-adjusting--, as it is the common terminology in the art.
5. The disclosure is objected to because of the following informalities: page 10, reference character (36), line 8 should be changed to, --38--, and (38) line 9, should be changed to, --40--. Same page line 12, and 13, "Fig. 3" should be changed to, --Fig. 2--.

Appropriate correction is required.

Claim Objections

6. Claims 1-18 are objected to because of the following informalities: "An automatically adjusting self tightening wrench" is improper, it may be replaced with, -- A self-adjusting tightening wrench--.
7. regarding claims 3, 4, 8, 10, 11, 12, 15, and 18, "finger depressed means" is improper. A rejection under 35 USC 112, second paragraph for indefinite language in failing to meet 35 USC 112, sixth paragraph requirements to recite a claim element as a means for performing a specific function, is avoided, since it is clear from the specification that the Applicant is attempting to claim a finger actuated jaw opening means, i.e., 50.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
9. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
10. Claim 1 recites the limitation "said pin" in line 11. There is insufficient antecedent basis for this limitation in the claim.
11. Claim 12 recites the limitation "said finger depressed means" in line 2. There is insufficient antecedent basis for this limitation in the claim.
12. Regarding claims 13-18, "a circular path" (claims 13-15) or "a path" (claims 16-18), 3rd line from the bottom, render the claims indefinite because a circular path is already recited in the parent claim 1, it should be changed to, --said circular path--.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sweden Patent No. 83 132.

Patent No. 83 132 discloses all the limitations of claim 1, in Figs. 2 and 3, i.e., a handle (1) having a working end (upper portion at stationary jaw 2) and a gripping end (lower portion at 18), a jaw member (3) rotationally attached to the handle at a fixed point (4), said working end having a curved handle face (lower portion on jaw 2, Fig. 3), jaw member having a planar surface (either gripping portion of jaw 3), biasing means (6) to bias the planar face toward the handle face, the planar face following a generally circular path around the pin (fixed distance) with a maximum distance from the curved handle face when the jaw is rotated from a first point at a minimum distance (biased to closed position and the pin (4) being closer to the curved handle surface at the lower portion than the upper section).

Regarding claims 2-18, 83 132 meets all the limitations, i.e., gripping surfaces for both jaws, jaw (3) having finger engageable surface to overcome the spring (6), jaw (3) formed in a slot in the handle adjacent to the pin, jaw (3) having two struts angled relative to each other, one ending at the pin and the other with the planar surface.

Conclusion

15. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Hirse, Lin, Hillinger, Yokoyama et al., Binkowski, Park et al., Carnelli, Lynch et al., Haberle, Larson, and Jackson are cited to show related inventions.

Application/Control Number: 10/033,019

Page 5

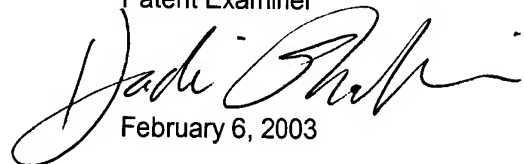
Art Unit: 3723

16. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hadi Shakeri at (703) 308-6279, FAX (703) 746-3279 for unofficial documents. The examiner can normally be reached on Monday-Thursday, 7:30 AM to 6:00 PM. Official documents may be faxed to (703) 872-9302, after final to (703) 872-9303.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1148.

Hadi Shakeri

Patent Examiner

A handwritten signature in cursive script, appearing to read 'Hadi Shakeri', is written over the printed name and title.

February 6, 2003